

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Norman Booth

Serial No.: 10/587,534

Filed: September 12, 2007

For: CATHETER ASSEMBLY WITH AN
ADJUSTABLE LOOP

Confirmation No.: 9688

Examiner: L. Wilson

Group Art Unit: 3767

Attorney Docket No.: 3485-P10380US
(CRx 6/SIP
69105USP00)

VIA ELECTRONIC FILING

October 4, 2011

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance dated July 5, 2011 and sets forth Applicants' comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

Applicant's argument filed 10 June 2011 are persuasive, the rejection of claims 1-16 under 37 USC 103(a) over Thompson in view of Stewart is withdrawn. Applicant argued that combining Thompson with shape-memory transverse [sic] loop of Stewart, would require anchoring the loop of Stewart which would warp the pre-formed shape-memory loop of Stewart, which would render Stewart unsuitable for its intended purpose.

Applicant concurs with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The independent claims as allowed recite features in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



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Date: October 4, 2011
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